

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1447 be amended to read as follows:

1 Page 212, between lines 37 and 38, begin a new paragraph and
2 insert:

3 "SECTION 189. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 6.2. (a) If a consolidated fire department is
6 established under section 6.1 of this chapter, the consolidated city,
7 through the consolidated fire department, shall after the consolidation
8 establish, operate, and maintain emergency ambulance services (as
9 defined in IC 16-18-2-107) in the fire special service district and in
10 those townships in the county that are consolidated under section 6.1
11 **or 6.4** of this chapter.

12 (b) This section does not prohibit the providing of emergency
13 ambulance services under an interlocal agreement under IC 36-1-7.

14 SECTION 190. IC 36-3-1-6.4 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE UPON PASSAGE]: **Sec. 6.4. (a) This section applies to**
17 **a township that:**

18 **(1) is located in a county containing a consolidated city; and**
19 **(2) has not consolidated the township's fire department under**
20 **section 6.1 of this chapter as of May 1, 2009.**

21 **(b) In each township described in subsection (a), a public**
22 **question regarding the approval of fire department consolidation**
23 **shall be placed on the ballot if a petition requesting the public**
24 **question and signed by at least five percent (5%) of the registered**
25 **voters who reside in the area served by the township fire**
26 **department is submitted to the township trustee.**

27 **(c) If a petition is submitted under subsection (b) with a**
28 **sufficient number of signatures, the township trustee shall certify**
29 **the petition to the county election board. If a petition is certified by**
30 **a township trustee to the county election board, the following**
31 **public question shall be placed on the ballot at the next election in**

1 which voters of the township are eligible to vote and that occurs at
 2 least sixty (60) days after the certification of the petition to the
 3 county election board:

4 "Shall the fire department of _____ (insert name)
 5 Township be consolidated into the Indianapolis Fire
 6 Department?

7 ☐ Yes.

8 ☐ No."

9 The county election board and the circuit court clerk of the county
 10 shall provide for and conduct the public questions required by this
 11 section. Except as otherwise provided, IC 3-10-9 applies to the
 12 public questions required by this section.

13 (d) In a public question under subsection (c), only those voters
 14 who:

15 (1) are eligible to vote within the township; and

16 (2) do not reside within an excluded city or within the
 17 territory of the Indianapolis fire special service district;

18 may vote on the public question. The board of voter registration
 19 for the county containing a consolidated city shall determine the
 20 voters who are eligible to vote in the public question under this
 21 subsection.

22 (e) If a majority of the voters voting on the public question
 23 under subsection (c) in a particular township approve the public
 24 question:

25 (1) the fire department of that township is consolidated into
 26 the fire department of the consolidated city on January 1 of
 27 the year following the year in which the public question is
 28 approved; and

29 (2) except as provided in this section, the consolidation shall
 30 be carried out in the manner specified for the consolidation of
 31 township fire departments under section 6.1 of this chapter.

32 (f) The following apply if the township board of a township
 33 described in subsection (a) adopts a resolution to consolidate the
 34 township's fire department into the fire department of the
 35 consolidated city:

36 (1) The fire department of that township is consolidated into
 37 the fire department of the consolidated city on January 1 of
 38 the year following the year in which the township board
 39 adopts the resolution approving the consolidation. However,
 40 if the township board adopts such a resolution after
 41 November 30 of a particular year, the consolidation shall
 42 occur on January 1 of the second year following the year in
 43 which the resolution is adopted.

44 (2) Except as provided in this section, the consolidation shall
 45 be carried out in the manner specified for the consolidation of
 46 township fire departments under section 6.1 of this chapter.

47 (3) The following apply if a petition has been certified to the
 48 county election board under subsection (c) before the

township board adopts the resolution:

(A) If the resolution by the township board is adopted at least forty-nine (49) days before the election at which the public question would be placed on the ballot, the public question on consolidation shall not be placed on the ballot. If the county election board has printed the ballots before the township board adopts the resolution, the township shall pay the costs incurred by the county in reprinting the ballots.

(B) If the resolution by the township board is adopted less than forty-nine (49) days before the election at which the public question will be placed on the ballot, the public question shall remain on the ballot, but the fire department of the township shall be consolidated into the fire department of the consolidated city regardless of the results of public question.

(g) The authority to consolidate a township's fire department into the fire department of the consolidated city under this section is in addition to any authority to provide for the consolidation of fire departments under section 6.1 of this chapter."

Page 216, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 193. IC 36-6-4-3, AS AMENDED BY P.L.2-2008, SECTION 82, AND AS AMENDED BY P.L.146-2008, SECTION 709, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- ~~(9) Act as township assessor when required by IC 36-6-5.~~
- ~~(10)~~ (9) Provide and maintain cemeteries under IC 23-14.
- ~~(11)~~ (10) Provide fire protection under IC 36-8, except in a township that:
 - (A) is located in a county having a consolidated city; and
 - (B) consolidated the township's fire department under IC 36-3-1-6.1 or IC 36-3-1-6.4.
- ~~(12)~~ (11) File an annual personnel report under IC 5-11-13.
- ~~(13)~~ (12) Provide and maintain township parks and community centers under IC 36-10.

~~(14)~~ (13) Destroy detrimental plants, noxious weeds, and rank vegetation under ~~IC 15-3-4~~. IC 15-16-8.

~~(15)~~ (14) Provide insulin to the poor under IC 12-20-16.

~~(16)~~ (15) Perform other duties prescribed by statute."

Page 267, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 210. IC 36-8-7-1, AS AMENDED BY P.L.227-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977, in units for which a 1937 fund was established before May 1, 1977.

(b) A firefighter with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if the firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(c) A firefighter is covered by this chapter and not by IC 36-8-8 if the firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1937 fund.

(d) A firefighter who:

(1) is covered by this chapter before a consolidation under IC 36-3-1-6.1 **or IC 36-3-1-6.4**; and

(2) becomes a member of a fire department of a consolidated city under IC 36-3-1-6.1 **or IC 36-3-1-6.4**;

is covered by this chapter after the effective date of the consolidation, and the firefighter's service as a member of a fire department of a consolidated city is considered active service under this chapter."

Page 269, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 212. IC 36-8-7-4, AS AMENDED BY P.L.227-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) If a unit has less than five (5) members in its fire department, the unit may provide for the organization of a local board consisting of the fire chief, the executive of the unit, and one (1) member of the fire department.

(b) The trustee from the fire department shall be elected under this section.

(c) The local board may amend the bylaws of the fund to elect the trustee from the fire department in an election held on any three (3) consecutive days in February specified in the bylaws. The election shall be called by the fire chief and held at the house or quarters of the fire department. Subject to this section, the election shall be conducted in the manner specified in the bylaws.

(d) This subsection applies only if the local board does not elect to be governed by subsection (c). The trustee from the fire department shall be elected at a meeting held on the second Monday in February each year. The meeting shall be called by the fire chief and held at the house or quarters of the fire department.

(e) The term of the elected trustee is one (1) year beginning immediately after the trustee's election.

(f) Each member of the department is entitled to one (1) ballot, and the person receiving the highest number of votes is elected. The executive of the unit, the fire chief, and the city or county clerk shall canvass and count the ballots, and the clerk shall issue a certificate of election to the person having received the highest number of votes. If two (2) persons have received the same number of votes, the executive and the chief shall immediately determine by lot who will be the trustee from the persons receiving an equal number of votes.

(g) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1 **or IC 36-3-1-6.4.**

SECTION 213. IC 36-8-7-5, AS AMENDED BY P.L.227-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An election shall be held each year under this section to elect one (1) trustee from the active members of the fire department for a term of four (4) years, commencing on the day of his election. The fire chief shall fix a time for holding a convention to nominate candidates for trustees to be elected at each election. Each convention must be held at least five (5) days before the day on which the annual election is held. A convention consists of one (1) delegate from each fire company and one (1) delegate to be selected by the chief and the chief's assistants. The delegate from each fire company shall be elected by ballot by the members of the company at a time to be fixed by the chief in the call for a convention. The election of delegates shall be certified by the captain or other officer of the company, or, if there is not an officer present, then by the oldest member of the company present. The convention, when assembled, shall nominate six (6) members of the fire department to be voted upon as trustees, and the delegates shall report the names of the persons nominated as candidates to their respective companies in writing.

(b) The local board may amend the bylaws of the fund to elect the trustee from the active members of the fire department in an election held on any three (3) consecutive days in February specified in the bylaws. The election shall be called by the fire chief and held at the house or quarters of the respective companies of the fire department. Subject to this section, the election shall be conducted in the manner specified in the bylaws.

(c) This subsection applies only if the local board does not elect to be governed by subsection (b). The election shall be held at the houses or quarters of the respective companies on the second Monday in February between 9 a.m. and 6 p.m.

(d) Each member of a fire company is entitled to one (1) ballot, and the ballot may not contain the names of more than one (1) person, chosen from the six (6) persons nominated by the convention. The candidate receiving the highest number of votes is elected.

(e) The captain or other officer in command of each of the fire companies, immediately after the casting of all ballots, shall canvass and count the ballots. The captain or other officer shall certify in writing the total number of ballots cast and the number of votes received by each candidate for the office of trustee. After signing the certificate, the officer shall enclose it, together with all the ballots cast by the fire company, in an envelope, securely sealed and addressed, and deliver them to the fire chief. The fire chief shall deliver them to the executive of the unit as soon as the chief receives all the certificates and ballots. Upon receipt the executive shall, in the presence of the chief and the clerk of the unit, open the envelopes, examine the certificates, and determine the total number of votes cast for each of the candidates. The executive shall then issue a certificate of election to the candidate having received the highest number of votes. If two (2) or more candidates have received the same number of votes, the executive and the chief shall immediately determine by lot who will be trustee from the persons receiving an equal number of votes. An election may not be set aside for lack of formality in balloting by the members or in certifying or transmitting the returns of an election by the officers in charge.

(f) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1 **or IC 36-3-1-6.4.**

SECTION 214. IC 36-8-7-6, AS AMENDED BY P.L.227-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) An election shall be held under this section every two (2) years to elect one (1) trustee from the retired members of the fire department for a term of two (2) years, commencing on the day of the trustee's election, if the retired list contains at least three (3) retired members at the time of election. The fire chief shall fix a time for holding a convention to nominate candidates for trustee to be elected at each election. Each convention must be held at least fifteen (15) days before the day on which the biennial election is held. All retired members of the fire department may participate in the convention. The convention, when assembled, shall nominate not more than four (4) members of the retired list to be voted upon as trustee. The secretary of the board shall mail the names of the persons nominated along with an official ballot to the retired members within forty-eight (48) hours of the end of the convention.

(b) The election shall be conducted by mail. Each retired member is entitled to cast one (1) ballot by mail, and the ballot may not contain more than one (1) name, chosen from the list of retired persons nominated by the convention. The candidate receiving the highest number of votes by 6 p.m. on the second Monday in February or an

1 alternative date in February specified in the bylaws of the fund is
2 elected.

3 (c) The ballots must remain closed and inviolate until the close of
4 the election, at which time, in the presence of the executive of the unit,
5 the fire chief, and the clerk of the unit, the ballots shall be opened and
6 counted. A certificate of election shall be issued to the candidate
7 receiving the highest number of votes. If two (2) or more candidates
8 receive the same number of votes, the executive and the chief shall
9 immediately determine by lot who will be trustee from the persons
10 receiving an equal number of votes.

11 (d) This section does not apply to a township if the fire department
12 of the township is consolidated under IC 36-3-1-6.1 **or IC 36-3-1-6.4.**

13 SECTION 215. IC 36-8-7-6.5, AS AMENDED BY P.L.227-2005,
14 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 6.5. (a) All ballots voted under this chapter
16 shall be secured until the balloting is closed.

17 (b) Tampering with a ballot for an election under this chapter is a
18 Class A infraction.

19 (c) This section does not apply to a township if the fire department
20 of the township is consolidated under IC 36-3-1-6.1 **or IC 36-3-1-6.4.**

21 SECTION 216. IC 36-8-7-7, AS AMENDED BY P.L.227-2005,
22 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 7. (a) The fire chief is the president of the
24 local board.

25 (b) At the first meeting after each election, the local board shall
26 elect a secretary, who may be chosen from among the trustees.
27 However, the local board may consider it proper to have a secretary
28 who is a member of the fire department, to be elected by the companies
29 for a term of four (4) years in the same manner as the election for
30 trustees. The secretary shall keep a full record of all the proceedings of
31 the local board in a book provided for that purpose.

32 (c) The local board shall make all rules necessary for the discharge
33 of its duties and shall hear and determine all applications for relief or
34 pensions under this chapter.

35 (d) This section does not apply to a township if the fire department
36 of the township is consolidated under IC 36-3-1-6.1 **or IC 36-3-1-6.4.**

37 Page 271, between lines 8 and 9, begin a new paragraph and insert:
38 "SECTION 218. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,
39 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 1. This chapter applies to:

- 41 (1) full-time police officers hired or rehired after April 30, 1977,
42 in all municipalities, or who converted their benefits under
43 IC 19-1-17.8-7 (repealed September 1, 1981);
- 44 (2) full-time fully paid firefighters hired or rehired after April 30,
45 1977, or who converted their benefits under IC 19-1-36.5-7
46 (repealed September 1, 1981);
- 47 (3) a police matron hired or rehired after April 30, 1977, and

before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and **who** becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 **or IC 36-3-1-6.4**, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 219. IC 36-8-8-2, AS AMENDED BY P.L.227-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "employer" means:

(1) a municipality that established a 1925 or 1953 fund or that participates in the 1977 fund under section 3 or 18 of this chapter;

(2) a unit that established a 1937 fund or that participates in the 1977 fund under section 3 or 18 of this chapter;

(3) a consolidated city that consolidated the fire departments of units that:

(A) established a 1937 fund; or

(B) participated in the 1977 fund;

before the units' consolidation into the fire department of a consolidated city ~~established by~~ **under** IC 36-3-1-6.1 **or**

1 **IC 36-3-1-6.4; or**

2 (4) a consolidated city that establishes a consolidated law
3 enforcement department under IC 36-3-1-5.1.

4 SECTION 220. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
5 SECTION 575, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in
7 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

8 (1) a police officer; or

9 (2) a firefighter;

10 who is less than thirty-six (36) years of age and who passes the baseline
11 statewide physical and mental examinations required under section 19
12 of this chapter shall be a member of the 1977 fund and is not a member
13 of the 1925 fund, the 1937 fund, or the 1953 fund.

14 (b) A police officer or firefighter with service before May 1, 1977,
15 who is hired or rehired after April 30, 1977, may receive credit under
16 this chapter for service as a police officer or firefighter prior to entry
17 into the 1977 fund if the employer who rehires the police officer or
18 firefighter chooses to contribute to the 1977 fund the amount necessary
19 to amortize the police officer's or firefighter's prior service liability over
20 a period of not more than forty (40) years, the amount and the period
21 to be determined by the PERF board. If the employer chooses to make
22 the contributions, the police officer or firefighter is entitled to receive
23 credit for the police officer's or firefighter's prior years of service
24 without making contributions to the 1977 fund for that prior service. In
25 no event may a police officer or firefighter receive credit for prior years
26 of service if the police officer or firefighter is receiving a benefit or is
27 entitled to receive a benefit in the future from any other public pension
28 plan with respect to the prior years of service.

29 (c) Except as provided in section 18 of this chapter, a police officer
30 or firefighter is entitled to credit for all years of service after April 30,
31 1977, with the police or fire department of an employer covered by this
32 chapter.

33 (d) A police officer or firefighter with twenty (20) years of service
34 does not become a member of the 1977 fund and is not covered by this
35 chapter, if the police officer or firefighter:

36 (1) was hired before May 1, 1977;

37 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
38 of which were repealed September 1, 1981); and

39 (3) is rehired after April 30, 1977, by the same employer.

40 (e) A police officer or firefighter does not become a member of the
41 1977 fund and is not covered by this chapter if the police officer or
42 firefighter:

43 (1) was hired before May 1, 1977;

44 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
45 of which were repealed September 1, 1981);

46 (3) was rehired after April 30, 1977, but before February 1, 1979;
47 and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law

1 enforcement academy in another state that were required at the
 2 time the park ranger attended the Indiana law enforcement
 3 academy or the law enforcement academy in another state;

4 (2) graduated from the Indiana law enforcement academy or a
 5 comparable law enforcement academy in another state; and

6 (3) is employed by the parks department of a city having a
 7 population of more than one hundred twenty thousand (120,000)
 8 but less than one hundred fifty thousand (150,000);

9 is a member of the fund.

10 (k) Notwithstanding any other provision of this chapter, a police
 11 officer or firefighter:

12 (1) who is a member of the 1977 fund before a consolidation
 13 under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.4;**

14 (2) whose employer is consolidated into the consolidated law
 15 enforcement department or the fire department of a consolidated
 16 city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.4;** and

17 (3) who, after the consolidation, becomes an employee of the
 18 consolidated law enforcement department or the consolidated fire
 19 department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or**
 20 **IC 36-3-1-6.4;**

21 is a member of the 1977 fund without meeting the requirements under
 22 sections 19 and 21 of this chapter.

23 (l) Notwithstanding any other provision of this chapter, if:

24 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 25 or firefighter provides law enforcement services or fire protection
 26 services for an entity in a consolidated city;

27 (2) the provision of those services is consolidated into the
 28 **consolidated** law enforcement department or fire department of
 29 a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and

30 (3) after the consolidation, the police officer or firefighter
 31 becomes an employee of the consolidated law enforcement
 32 department or the consolidated fire department under
 33 IC 8-22-3-11.6;

34 the police officer or firefighter is a member of the 1977 fund without
 35 meeting the requirements under sections 19 and 21 of this chapter.

36 (m) A police officer or firefighter who is a member of the 1977 fund
 37 under subsection (k) or (l) may not be:

38 (1) retired for purposes of section 10 of this chapter; or

39 (2) disabled for purposes of section 12 of this chapter;
 40 solely because of a change in employer under the consolidation."

41 Page 273, between lines 30 and 31, begin a new paragraph and
 42 insert:

43 "SECTION 223. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,
 44 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 UPON PASSAGE]: Sec. 1. This chapter applies to all townships.
 46 However, this chapter does not apply to a township in which the fire
 47 department of the township has been consolidated under IC 36-3-1-6.1

1 **or IC 36-3-1-6.4.**

2 SECTION 224. IC 36-8-13.5-1, AS ADDED BY P.L.65-2008,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 1. This chapter applies to all townships except
5 a township in which the fire department of the township has been
6 consolidated under IC 36-3-1-6.1 **or IC 36-3-1-6.4.**".

7 Renumber all SECTIONS consecutively.

(Reference is to EHB 1447 as printed April 10, 2009.)

Senator WALTZ